

United States Senate

June 25, 2013

The Honorable Bob Perciasepe
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave N.W.
Washington, D.C. 20460

Dear Acting Administrator Perciasepe:

I write regarding the proposed National Pollutant Discharge Elimination System (NPDES) permit issued by the Indiana Department of Environmental Management (IDEM) for the BP Products North America Inc. Whiting Refinery. I worry that the permit lacks adequate safeguards to reduce mercury discharges into the Great Lakes, posing significant risks to our environment and public health. I urge you to use your authority to protect Lake Michigan and millions of Illinoisans from harmful pollution discharged by the BP Whiting Refinery, located approximately twenty miles southeast of Chicago.

In 2007, BP agreed to clean up its act, reduce the amount of pollution dumped into the Great Lakes and develop technology that could dramatically decrease the amount of mercury discharged into Lake Michigan by the Whiting Refinery. More than five years later we continue to see elevated levels of mercury in effluent discharged into Lake Michigan. On June 23, 2013, the *Chicago Tribune* reported that the BP Whiting refinery remains one of only a few industrial polluters that release wastewater containing traces of mercury into the southern half of Lake Michigan. Allowing the continuation of toxic chemicals, such as mercury, to be dumped into the Great Lakes, the source of drinking water for more than 30 million Americans, is unacceptable.

While I am encouraged that the proposed permit released by IDEM includes more stringent limitations for ammonia and Total Suspended Solids (TSS) over the next five years, I am deeply disturbed that the permit allows the Whiting Refinery to legally discharge an annual average of 23.1 parts per trillion of mercury into Lake Michigan— nearly 20 times the federal Great Lakes water quality standard of 1.3 parts per trillion. It appears that the proposed permit fails to contain any enforceable deadlines that require BP to bring its mercury pollution to the federal standard and does not provide any guidance on what are the criteria for deciding when the technology is successful in filtering mercury and can be readily deployed. Instead the permit gives BP another five-year pass, stipulating only that BP further study mercury technology and report back to IDEM by March 2015.

We should be taking every precaution to protect the public from harmful effects of mercury contamination and work to enhance the water quality of the Great Lakes, not knowingly degrade the environment of our lakes even further. Each year Great Lakes states issue advisories to residents limiting the consumption of specific types of fish due to the risk of mercury contamination. Your own agency estimates that more than 300,000 newborns in the United States are exposed to unsafe levels of mercury in utero every year. Mercury bio-accumulates in

fish and, when eaten, contaminated fish can cause brain and nervous system disorders, particularly in children.

I urge the Environmental Protection Agency to thoroughly review the draft NPDES permit issued by IDEM and ensure that the permit requirements comply with federal standards and uphold the Clean Water Act. As both Congress and the Administration work together to restore and protect the Great Lakes, it is unimaginable that we continue to permit harmful compounds to be discharged into our water supply.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Kirk", with a long, sweeping underline that extends to the left.

Mark Kirk
U.S. Senator